

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHARLES SWIFT,)	8:15CV326
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
KYLER, and CITY OF OMAHA,)	
)	
Defendants.)	

This matter is before the court on its own motion. On November 25, 2015, the court conducted a pre-service screening of Plaintiff's Complaint (Filing No. [1](#)) in accordance with [28 U.S.C. § 1915\(e\)](#). (See Filing No. [10](#).) The court determined, in part, that Swift's Complaint failed to state a Fourth Amendment claim upon which relief may be granted. The court gave Plaintiff 30 days in which to file an amended complaint.

Plaintiff filed his Amended Complaint (Filing No. [11](#)) on December 22, 2015. Plaintiff merely incorporated the allegations set forth in his original Complaint in his Amended Complaint. Therefore, for the reasons already discussed in the court's order dated November 25, 2015, the court finds Plaintiff has failed to state a claim upon which relief may be granted in this action.

IT IS THEREFORE ORDERED that:

1. For the reasons set forth in the court's order dated November 25, 2015, this action is dismissed with prejudice for failure to state a claim upon which relief may be granted.
2. The court will enter judgment by a separate document.

DATED this 20th day of January, 2016.

BY THE COURT:

s/ John M. Gerrard

United States District Judge